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10/758,662	01/15/2004	Joseph A. Cervantes	HSJ920030236US	5882
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John L. Rogitz Rogitz & Associates Suite 3120 750 B Street San Diego, CA 92101			EXAMINER DALEY, CLIFTON G	
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Please find below and/or attached an Office communication concerning this application or proceeding.

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/758,662
Filing Date: January 15, 2004
Appellant(s): CERVANTES ET AL.

John L. Rogitz
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 8/6/2008 appealing from the Office action mailed 6/30/2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,504,138 B1	Mangerson	01-2003
2002/0051242 A1	Han et al.	05-2002
5,674,012 A	Sasaki	10-1997

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1, 4, 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mangerson (US 6504138) in view of Han et al. (Hereinafter "Han": US Patent Application 2002/0051242).

Regarding claim 1, Mangerson teaches a self-contained character recognition system, comprising:

a housing configured for receiving at least one paper document (**Column 9, lines 45-50**);

a scanner in the housing outputting a digitized representation of information on the paper document (**Fig. 8, scanning element 210**);

a processor in the housing (**Fig. 1, processor 102**) and executing a character recognition module for converting the digitized representation into electronic text (**column 5, lines 49-51**); and

at least one storage device in the housing for storing the electronic text (**Fig. 1, medium 159**), wherein the processor automatically executes the character recognition module upon scanning a document and stores the electronic text in the storage

medium, without the need for a user command, the system not having a user input device **(Column 8, lines 25-32, i.e. next action determined by software, without need for a user input).**

Mangerson does not explicitly disclose the storage device as a hard disk drive (HDD).

However, Han discloses a self-contained character recognition system wherein the electronic text scanned from a document is stored on a hard disk drive **(¶ 0041, lines 9-12).**

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use Han's hard disk drive for Mangerson's storage device, the motivation being to provide high storage capacity to Mangerson's system.

Regarding claim 4, Mangerson combined with Han teaches the system of claim 1, wherein the HDD is removable from the housing **(Han: ¶ 0041, lines 9-12).**

Regarding claim 5, Mangerson combined with Han teaches the system of claim 1, further comprising an output bus on the housing for transferring data on the HDD to an external computing device **(Han: ¶ 0047, lines 8-11 and ¶ 0109, lines 2-3, i.e. Ethernet).**

Regarding claim 7, Mangerson combined with Han teaches the system of claim 1, further comprising: at least one output device on the housing **(Han: Fig. 3, display 62).**

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mangerson combined with Han as applied to claim 1 above, and further in view of Sasaki (US 5674012).

Mangerson combined with Han teaches the system of claim 1 wherein the HDD includes at least one data storage disk (**Han: ¶ 0041, lines 9-12**).

Mangerson combined with Han does not explicitly disclose the limitation wherein the HDD includes a HDD controller and at least one data storage disk.

However, Sasaki discloses a system wherein the HDD includes a HDD controller (**column 6, lines 36-39**).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include Sasaki's HDD controller in the Mangerson/Han HDD in order to simplify control of the HDD by the processor.

(10) Response to Argument

Applicant's arguments filed 8/6/2008 have been fully considered but they are not persuasive.

In response to applicant's argument that the Mangerson reference has and needs a user interface, the examiner notes that Mangerson clearly intends that a user interface is optional (column 8, lines 25-29, "A prompt for action is provided at step 522 (i.e., a **user or software** is queried for the next action to occur), and based upon the result of the prompt, any one or more of the following steps may be executed."). The examiner notes that the claim limitation in question (claim 1, paragraph 5, "at least one

hard disk drive (HDD) in the housing for storing the electronic text, wherein the processor automatically executes the character recognition module upon scanning a document and stores the electronic text in the storage medium, **without the need for a user command, the system not having a user input device.**") relies for enablement on applicant's disclosure, page 5, lines 8-10, "If desired, one or more input devices 30 such as keypads, mice, joysticks, and the like may be provided on or attached to the housing 12 to allow a user to input commands to the processor 20."

In response to applicant's argument that Mangerson's "prompt" is caused by deactivation of the scanner in response to a determination that the storage medium has been removed, the examiner notes that this is an incorrect interpretation. Mangerson discloses in column 8, lines 24-25, "In the event that it is determined that medium 214 has been removed from scanner 518, the scanning process has been completed or has been aborted, and scanner 200 is deactivated at step 520. A prompt for action is provided at step 522". Mangerson's "medium 214" is not a storage medium, as asserted by applicant, but rather the medium being scanned (column 4, lines 65-66, "A medium 214 containing information printed or written thereon". Mangerson's "prompt" is therefore a response to a normal and expected event, to which Mangerson anticipates a manual (user) **or** automated (software) response. Therefore Mangerson's system does not require a user input device.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Clifton Daley/

8/20/2008

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